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The Republican

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NICHOLS ST., between Adams and Jefferson.

I. MATTINGLY & SON,
EDITORS, PUBLISHERS AND PROPRIETORS.

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Justice of the Peace.

General Collection Agent,
BURNING, MARSHALL CO. IND.

WASHINGTON TUTTLE,
Justice of the Peace.

General Collection Agent,
PLYMOUTH, INDIANA.

JAMES O. PARKS,
Attorney at Law.

Land and Collection Agent,
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THE REPUBLICAN

THE NEW SCHOOL LAW.

AN ACT to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be annually assessed and collected, as State and county revenues are assessed and collected on the list of taxable property for State purposes, and on the taxable poll, such sums as may be required by law: *Provided, however,* That the taxes aforesaid shall not be levied and collected from negroes and mulattoes, nor shall their children be included in any enumeration required by this act, nor entitled to the benefits of said tax.

Sec. 2. The funds heretofore known and designated as the surplus revenue funds, all funds heretofore appropriated to Common Schools, the Saline Fund, the Bank Tax Fund, the fund which has been or may be derived from the sale of county seminaries and the property belonging thereto, the moneys and property heretofore held for such seminaries, all fines assessed for breaches of the penal laws of this State, all forfeitures which may accrue on lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which may have been or may be hereafter granted to the State, when no special object is expressed in the grant, and the proceeds of the sales thereof, and the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th of September, 1850, after deducting the expenses of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for Common School purposes, the fund arising from the 114th section of the charter of the State Bank of Indiana, shall be denominated the Common School Fund, the income of which, together with the taxes mentioned and specified in the first section of this act, and the money and income derived from licenses for the sale of intoxicating liquors, and unclaimed fees, as provided by law, shall be denominated the Common School revenue for tuition; and the whole of which is hereby appropriated and shall be applied exclusively to furnishing tuition in the Common Schools of the State, without any deduction for the expense of collection or disbursement.

Sec. 3. The several counties of this State shall be held liable for the preservation of so much of said fund as is or may be expended for the annual interest and principal of the bonds of said fund, and shall be full and complete every year, and shall so appear in the Auditor's report to the Superintendent of Public Instruction; and the Superintendent of Public Instruction shall, at any time, when he discovers from the report that there is a deficit in the amount collected for want of prompt collection, direct the attention of the Board of County Commissioners and the County Auditor to that fact, and said Board of County Commissioners are hereby authorized and required to provide for such deficit in their respective counties.

Sec. 4. Each town and city in the several counties of the State, is hereby declared a distinct corporation for school purposes, and the trustees for such township, and the trustees provided for in the next section of this act, shall for their respective township, town or city, be trustee, and perform the duties of clerk and treasurer for school purposes.

Sec. 5. The lawful voters of the several incorporated towns and cities of the State shall, at their next regular corporation election, and biennially thereafter, elect a school trustee who shall, before entering upon the duties of his office, take and subscribe an oath and give a bond, similar to the oath and bond required of the township trustee both of which shall be deposited in the same manner which is provided for in the disposition of the oaths and bonds of township trustees: *Provided,* That nothing herein contained shall be construed as to prohibit incorporated cities and towns from electing more than one trustee for school purposes, and the said cities and towns shall have power in accordance with their ordinances of special charters, to direct in case more than one trustee is elected, which one shall be treasurer for school purposes, and said treasurer shall be governed by all the provisions of this act.

Sec. 6. The County Auditor, in fixing the penalty and approving and accepting the bonds of any such trustees, shall see to their sufficiency to secure the School revenues, which may come into their hands, as well as in the ordinary township or other revenues; and in case of a vacancy in the office of a trustee, the County Auditor shall appoint a person to fill the same, who shall take an oath and give bond as provided in the last preceding section; and said Auditor shall report to the Superintendent of Public Instruction the names and post office address of each trustee.

Sec. 7. The trustee, as treasurer, shall receive all school revenues belonging to his township, town or city, or which may be apportioned to it by the State for the support of schools, and pay out the same for the purposes for which they are collected or apportioned; he shall keep accurate accounts of his receipts and expenditures, and settle with the Board of County Commissioners at least once in each year, and on such settlement, such trustee shall render an account current with the proper vouchers, and his charge for services in writing, which accounts, vouchers and charges shall be verified by affidavit; and upon a failure of such treasurer to discharge any of the duties required of him by law relative to the schools and school revenues, the Board of county Commissioners shall cause suit to be instituted against him on his official bond; and in case of recovery against him, the court rendering the judgment shall assess upon

the amount thereof ten per cent. damages to be included in said judgment.

Sec. 8. The trustee shall keep a record of his proceedings relative to the schools, including all orders and allowances on account thereof, including also accounts of all receipts and expenditures of school revenue, distinguishing between the special school revenue belonging to their township, town or city, and the school revenue for tuition which belongs to the State, and by it apportioned to their township, town or city for tuition, which revenue they shall not permit to be expended for any other purpose than tuition, nor even for that purpose in advance of its apportionment to their respective corporations.

Sec. 9. The trustees shall take charge of the educational affairs of their respective townships, towns and cities, employ teachers subject to the provisions hereinafter mentioned and shall establish and conveniently locate sufficient number of schools for the education of the children therein, and build or otherwise provide suitable houses, furniture and apparatus for said schools. They may also establish graded schools or such modifications of them as may be practicable; and provide for admission into the higher departments of the graded school from the primary schools of their townships, such pupils as are sufficiently advanced for such admission. They shall have the care and management of all property, real or personal, belonging to their respective corporations for common school purposes, except the Congressional township school lands, which lands shall be under the care and management of the trustees of the township in which such lands are situated.

Sec. 10. All schools in a township shall be taught an equal length of time, without regard to the diversity in the number of pupils at the several schools or the cost of the school, and each of said schools shall be numbered by the proper trustee as School number.

Sec. 11. The trustees of the several townships, towns and cities shall have power, with the concurrence of the board of commissioners of their respective counties, to levy a special tax in their respective townships, towns or cities, for the construction, renting or repairing of school houses, and for providing furniture and school apparatus and fuel therefor, and for the payment of other necessary expenses thereof, except for tuition, but no such tax shall exceed the sum of twenty-five cents on each one hundred dollars' worth of taxable property, and fifty cents on each poll, in any one year. And any tax-payer who may choose to pay to the treasurer of the township, town or city wherein said tax-payer has property liable to taxation, any amount of money, or furnish building materials for the construction of school houses, or furniture or fuel therefor, shall be entitled to a receipt therefor from the trustee of said township, town or city, which shall exempt such tax-payer from any further taxes for said purposes, until the taxes of such tax-payer, levied for said purposes, would, if not thus paid, amount to the sum or value of the materials so furnished, or amount so paid; *Provided,* That said building materials, furniture and fuel shall be received at the option of said trustee.

Sec. 12. The trustee shall, between the first of July and the first of September in each year, make an enumeration of the children within their respective townships, towns or cities, between the ages of five and twenty-one years, and excluding married persons. In making said enumeration, the trustee shall list the names of the parent, guardian or head of family having charge of such children, and against each name, in appropriate columns, he shall enter the whole number of such children in charge of the person named, the number of males, the number of females, the number of the school district to which such person is attached for school purposes, and shall designate by numbers and initials the Congressional township in which such person resides, including in said list and enumeration the names and children of such persons as have been transferred to their township, town or city, from adjoining territory, and excluding therefrom the names and children of such persons as have been transferred from their township, town or city, to adjoining territory. And upon the first enumeration after the taking effect of this act, the trustee taking the same shall enquire of all persons having charge of the children thus enumerated to which school they desire to attach themselves; and upon making their selection, such persons, together with the legal voters hereinafter provided for, shall be considered as forming the district or association for school purposes of the school selected, and none shall be allowed thereafter to attach themselves to, or have the privilege of, any other school, but by the consent of the trustee, for good cause shown; *Provided,* That at subsequent enumerations the same inquiry shall be made of each person having charge of children, whose residence has been changed, or whose children have become liable to be enumerated for the first time since the last previous enumeration; *And Provided,* further, that nothing in this act shall be so construed as to deny persons the privilege of attending the public schools, on account of their being more than twenty-one years of age; *And Provided,* further, that any legal voter, whether having the charge of children or not, may attach himself to any school at any time before closing the enumeration.

Sec. 13. All persons attached to the district for school purposes, including widows who have charge of children, (and all legal voters,) who may have attached themselves to such district at the time of the enumeration, shall be voters at all school meetings.

Sec. 14. When persons can be better accommodated at the school of an adjoining township, town or city in which such person resides, shall, if such person so request at the time of making the enumeration, transfer to that school, for educational purposes, to such township, town or city, and notify the trustee thereof of such transfer, which notice shall furnish the enumeration of the children of the persons so transferred. And each trustee shall, with respect to the enumeration, report distinctly the persons transferred to, or from his township, town or city, for school purposes, in listing in said report the number of children in charge of the persons transferred, with the same particularity that is observed in the enumeration; and it shall be lawful for the trustee of the township to which said territory shall be transferred, to locate and build school-houses upon any territory of such adjoining township to which the same is attached.

Sec. 15. Each person transferred for educational purposes to a township, town or city (when a tax is levied therein for the purposes aforesaid,) a sum equal to the tax levied, computing the same upon the property of such person in the township, town or city where he resides, according to the valuation thereof, by the proper assessor, and in default of such payment, shall be delinquent on the educational privileges of the township, town or city, in which he may have been transferred, and the trustee thereof shall notify the trustee of the township, town or city in which he resides, of such delinquency.

Sec. 16. Each trustee shall, on or before the first day of September, annually report to, and file with, the school examiner of the proper county, a copy of his said list and enumeration, with his affidavit endorsed thereon, to the effect that the same is to the best of his knowledge and belief, full and accurate, and that the enumeration does not include persons who are less than five or more than twenty-one years of age.

Sec. 17. When a Congressional township is located in two or more counties, the proper trustee for each portion thereof in the several counties, shall report at the same time, and in like manner as provided in the last preceding section; to the school examiner of the county in which the Congressional township school fund of such township is held in trust and managed.

Sec. 18. The township trustees and the school trustees of incorporated towns and cities, shall immediately after their annual settlement with the county commissioners in March, make a full statement of all their proceedings, receipts and expenditures for the year preceding, relative to their schools, and shall cause the same to be published in some newspaper, if any is printed within their jurisdiction, or by posting the same in three public places in their respective townships or corporate limits.

Sec. 19. To enable the trustees to make reports which are required of them by this act, the teacher of each school, whether in township, town or city, shall, at the expiration of the term of the school for which such teacher shall have been employed, furnish a complete report to the proper trustee, verified by affidavit, showing the number of the teachers employed, male and female, and their daily compensation, the number of scholars admitted during the term, distinguishing between males and females, and between the ages of five and twenty-one years, the average attendance, and books used; and branches taught, and number of pupils engaged in the study of each branch, and the number of volumes added to the library; assessment on each one hundred dollars of taxable property and each poll of special tax for school-house erection, and amount of such levy; number of acres and value of unsold Congressional school lands and income therefrom, together with such other information as may be called for by the school examiner and Superintendent of Public Instruction. Failure on the part of the trustee to make the aforesaid report at the time specified shall subject the township to a diminution of twenty-five dollars of its next appropriation of the Common School revenues, which shall be withheld by the Auditor when he makes such appropriation, and such delinquent trustee shall be liable therefor to the Auditor, who shall add to the amount so withheld the amount of the delinquency, and also the number of volumes added to the library; assessment on each one hundred dollars of taxable property and each poll of special tax for school-house erection, and amount of such levy; number of acres and value of unsold Congressional school lands and income therefrom, together with such other information as may be called for by the school examiner and Superintendent of Public Instruction. 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